

PORSF 11.3.17.1 v.1  
6/30/08

Doc No. 18

USEPA SF



1363964

APPLICATION  
NUMBER

002357

APPLICANT  
NAME

FREDDI

FRED DIVINE DIVING +  
SALVAGE, INC.

WATERWAY

WILLR

WILLAMETTE RIVER

RIVER  
MILE

008

ISSUE  
DATE

17FEB77

EXPIRATION  
DATE

28FEB80

TYPE OF  
WORK

PI

PILING

☐

PHOTOS ON FILE

COORDINATOR

\_\_\_\_\_

FOR CROSS-REFERENCE SEE:

\_\_\_\_\_

1-1 002357

Devine Diving and Salvage, Inc.

February 1977

28 February 1980

DEPARTMENT OF THE ARMY  
PERMIT

20 September 1976

for a permit to:

discharge dredged or fill material into navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to the Act of March 3, 1899 (33 U.S.C. 403);

and into navigable waters upon the issuance of a permit from the Secretary of the Army acting pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500);

for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of

Salvage Inc.

◀ (Here insert the full name and address of the permittee)

of the Army:

dolphins and six single  
adjacent to applicants  
will be used for moor-  
piles to stabilize approx-  
of new access floats.

(Here describe the proposed structure or activity, and its intended use. In the case of an application for a fill permit, describe the structures, if any, proposed to be erected on the fill. In the case of an application for the discharge of dredged or fill material into navigable waters or the transportation for discharge in ocean waters of dredged material, describe the type and quantity of material to be discharged.)

le 8

◀ (Here to be named the ocean, river, harbor, or waterway concerned.)

Portland, Oregon

◀ (Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.)

ings attached hereto which are incorporated in and made a part of this permit (on drawings: give on marks):

ect is shown on the attached sheet marked 002357  
).

authorized herein shall be consistent with the terms and conditions of this permit; and that any violation or revocation of this permit, in whole or in part, as set forth more specifically in General Regulation of such legal proceedings as the United States Government may consider appropriate, may be modified, suspended or revoked in whole or in part.

JUNE 1968 IS OBSOLETE.

(ER 1145-2-303)

b. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to Sections 301, 302, 306 and 307 of the Federal Water Pollution Control Act of 1972 (P.L. 92-500; 86 Stat. 816), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge or deposit of dredged or fill material into navigable waters, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the permittee agrees to make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife and natural environmental values.

e. That the permittee agrees to prosecute the work authorized herein in a manner so as to minimize any degradation of water quality.

f. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

g. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

h. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

i. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30 day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not stated on or before 28 day of Feb, 1978 (one year from the date of issuance of this permit unless otherwise specified) and is not completed on or before 28 day of Feb, 1980 (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

q. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

r. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

s. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition v hereof, he must restore the area to a condition satisfactory to the District Engineer.

t. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

u. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

v. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and condition of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

The following Special Conditions will be applicable when appropriate:

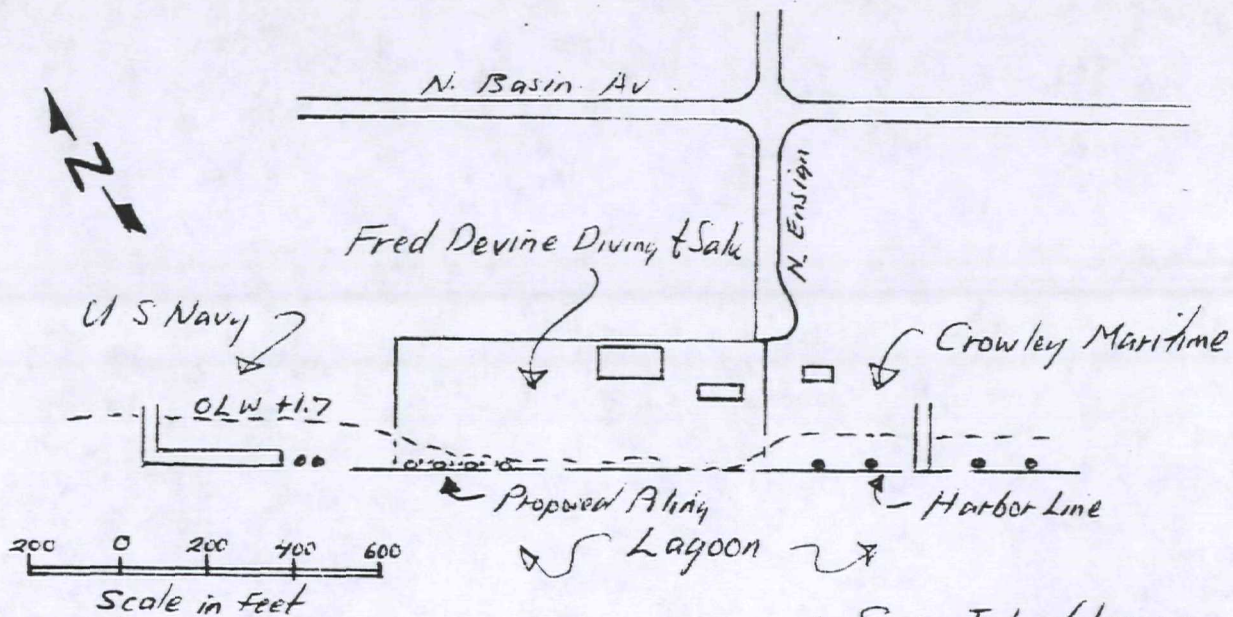
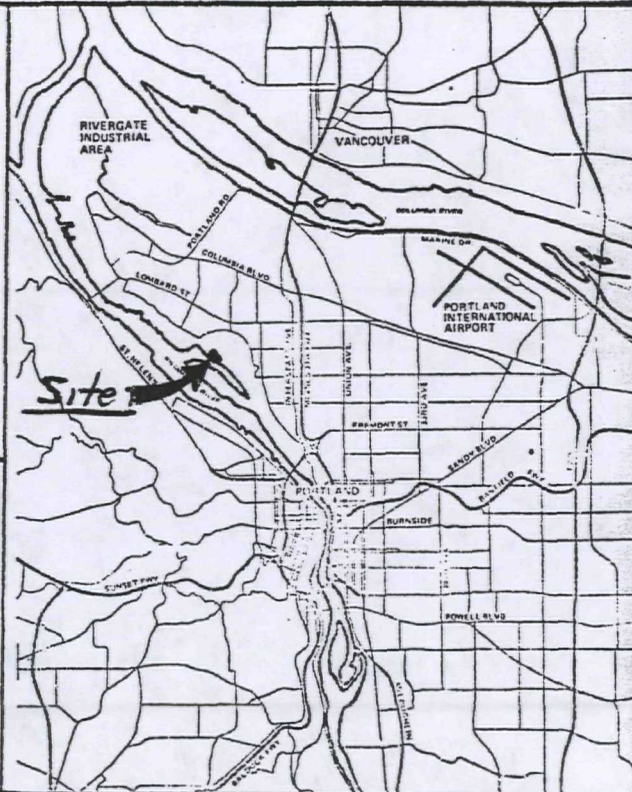
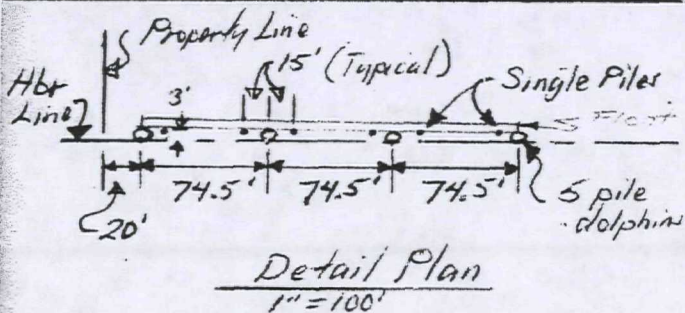
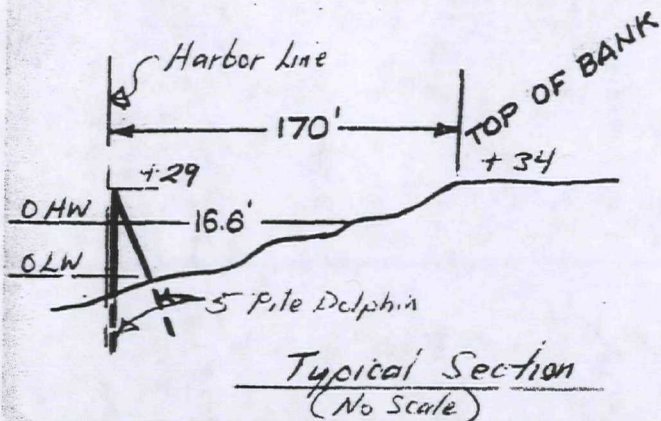
**STRUCTURES FOR SMALL BOATS:** That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

**DISCHARGE OF DREDGED MATERIAL INTO OCEAN WATERS:** That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or dumping of the dredged material as authorized herein.

**ERECTION OF STRUCTURE IN OR OVER NAVIGABLE WATERS:** That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

1





# SITE PLAN

Elevations in feet @ MSL.

in Swan Island Lagoon  
at Willamette River Mile 8  
County of Multnomah, State of Oregon  
Application by Fred Dennis Davis,  
B. Sakase Inc.  
20 Sept 1976

INSPECTION RECORD

FOR

PERMITTED WORK IN NAVIGABLE WATERS  
NORTH PACIFIC DIVISION, CORPS OF ENGINEERS

District Portland

Permit No. 002307

Date of Inspection 04 May 81

Permittee Fred Devine Diving

Inspector Henry Speyer

Waterway Swan Island Lagoons  
Willamette R. E.C.

Type of Work \_\_\_\_\_

STATUS

Work Completed ☒ Yes ☐ No ☐ Not Sure

Estimated Percent Complete 100 % ☐ Unknown

Work in Progress ☐ Yes ☐ No

COMPLIANCE

Completed Entire Scope of Permitted Work ☒ Yes ☐ Apparently ☐ No

Standard Conditions: ☒ Yes ☐ Apparently ☐ No ☐ Doubtful

Special Conditions: ☒ Yes ☐ Apparently ☐ No ☐ Doubtful

Permit Dwg: ☒ Yes ☐ Apparently ☐ No

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Henry Speyer



STATEMENT OF FINDINGS  
071-OYA- 1-002857

Concerning issuance of Department of the Army permit under Section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403) to Fred Devine Diving and Salvage, Inc. to install four 5-pile dolphins and six single piles along harbor line adjacent to the applicant's property at mile 8 of the Willamette River in Portland, Oregon.

1. I have reviewed and evaluated, in light of the overall public interest, the documents and factors concerning this permit application, as well as the stated views of other interested Federal and non-Federal agencies and the concerned public, relative to the proposed work in navigable waters of the United States.

2. The possible consequences of this proposed work have been studied for environmental, social well-being, the public interests and in accordance with regulations published in 33 C.F.R. 209.120. Factors bearing on my review include: navigation, present and prospective; fish and wildlife; water quality; public interest.

3. In evaluation of this work and consideration of comments received from coordination of public notice number 071-OYA- 1-002357, 27 October 19 76, the following points are considered pertinent:

a. Federal Agencies. The U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and Region X of the Environmental Protection Agency responded with no objection.

b. State and Local Agencies. The State of Oregon, including concurrence of the State's fishery agency, approves the project provided the work does not impair the operation of or cause damage to the City of Portland's existing 60" diameter outfall pipe nearby. The applicant has stated he would take appropriate precautionary measures. The Department of Environmental Quality has certified the work would not violate applicable water quality standards.

c. Individual or Organized Groups. No response received.

STATEMENT OF FINDINGS (CONT)  
071-OYA-1-002857

d. Other Considerations. There are no identified effects significantly affecting the quality of the human environment; therefore, an environmental impact statement is not required. All resource agencies have responded favorably to the project, indicating there would be no significant adverse effects with respect to fish and wildlife values, water quality and other environmental and public interest concerns.

The work will benefit the applicant, providing adequate tie up facilities for his tug boats in the general operation of business affairs. The installation is in keeping with existing "permitted activity types" of the area as described in the Lower Willamette River Management Plan.

The proposed work does not undesireably usurp any public right of navigation. In balance, the adverse effects are acceptable, the beneficial effects are specifically identifiable and the described work is in the general public interest.

4. I find that issuance of the Department of the Army permit as prescribed by regulations published in 33 C.F.R. 209.120 to Fred Devine Diving and Salvage, Inc. to install dolphins and drive single piles

as described in the final permit format as established as of this date, is based on thorough analysis and evaluation of the various factors enumerated above; that there are no reasonable alternatives available to the applicant that will achieve the purposes for which the work is being constructed; that the proposed work is in accordance with the overall desires of the public as reflected in the comments of state and local agencies and the general public; that the proposed work is deemed to comply with established state and local laws, regulations and codes; that there have been no identified significant adverse environmental effects related to the work; that the issuance of this permit is consonant with national policy, statutes, and administrative directives; and that on balance the total public interest should best be served by the issuance of a Department of the Army permit for the proposed work.

\_\_\_\_\_  
Date

\_\_\_\_\_  
HARVEY L. ARNOLD, JR.  
Colonel, Corps of Engineers  
District Engineer

# DISPOSITION FORM

For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.

REFERENCE OR OFFICE SYMBOL

NPPND

SUBJECT

071-OYA-1-002357 , Determination of Need for an  
Environmental Impact Statement

TO

The file

FROM

Chief, Navigation Div

DATE

6 Jan 77

CMT 1

Based upon the final environmental assessment for subject permit application dated 20 September 1976 , I have determined that an environmental impact statement is not required for the proposed work.

*for* *A. J. Heineman*  
A. J. HEINEMAN  
Chief, Navigation Division

NPPFL 101  
NOV 76

DA FORM 2496

REPLACES GO FORM 24, EXISTING SUPPLIES OF WHICH WILL BE  
MOVED AND USED UNTIL 1 FEB 68 UNLESS SOONER EXHAUSTED.

# DISPOSITION FORM

For use of this form, see AR 340-15, the proponent agency is TAGCEN.

REFERENCE OR OFFICE SYMBOL

NPPEN-ER

SUBJECT

Final Environmental Assessment on Public Notice  
No. 071-OYA-1-002357 (Piling, Willamette River Mile 8  
in Multnomah County at Portland, Oregon)

TO Chief, Navigation Div

FROM Chief, Engineering Div

DATE 29 Dec. 1976

CMT 1

*File 29 Dec.*

1. We have completed our environmental review of the permit file for proposed work as described on attached D. A. permit. Comments received from other Federal, State and local governmental resource agencies indicate no objections to the project. Therefore, our earlier comments as provided on the attached preliminary assessment still remain applicable.

2. A review of the comments received from non-governmental organizations and individuals indicate that project implementation should not result in any local conflicts of interest; nor has this office been able to identify any conflicts of interest with respect to fish and wildlife values, water quality, and other environmental and public interest concerns as identified in the public notice.

3. The issuance of a Federal permit to authorize the proposed work is not viewed as a major Federal action significantly affecting the quality of the human environment. It is, therefore, our recommendation that an environmental impact statement not be prepared.

  
L. J. STEIN

Chief, Engineering Division



# DISPOSITION FORM

For use of this form, see AR 340-15, the proponent agency is TAGCEN.

REFERENCE OR OFFICE SYMBOL

NPPEN-ER

SUBJECT

Preliminary Environmental Assessment on Public Notice  
No. 071-OYA-1-002357 (Piling Willamette River Mile 8  
in Multnomah County at Portland, Oregon)


TO Chief, Navigation Div

FROM Chief, Engineering Div DATE 14 Oct 1976

CMT 1

Lee/6441/ro  
H&K 150d

1. We have reviewed referenced draft public notice concerning a permit proposal by Fred Devine Diving and Salvage, Inc. to install four 5-pile dolphins and six single piles along the harbor line adjacent to applicant's property. The dolphins will be used for mooring vessels and single piles<sup>will</sup> to stabilize approximately 220 linear feet of new access floats.
2. The permit proposal has been reviewed in light of the shoreline development guidelines provided by the Lower Willamette River Management Plan. The project is located in Swan Island Lagoon within an area characterized by ship repair facilities, piling structures and other tie-up facilities. New piling and dolphins are designated in the Plan as "permitted activity types". The applicant will utilize the new piling and dolphin facilities for temporary vessel storage connected with salvage and repair activities, all of which are designated as "beneficial uses" by the Plan. Since the proposed work appears to be in full conformance with the Plan, we would anticipate no environmental impacts of significance resulting from this project.
3. The issuance of a Federal permit to authorize the proposed work is not viewed as a major Federal action significantly affecting the quality of the human environment. Therefore, it is our preliminary determination that an environmental impact statement not be prepared.



L. J. STEIN  
Chief, Engineering Division



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208

REPLY TO  
ATTENTION OF:

NPPND-RF-1

27 October 1976

PUBLIC NOTICE  
071-OYA-1-002357

PILING

WILLAMETTE RIVER MILE 8 - IN MULTINOMAH COUNTY AT PORTLAND, OREGON

Interested parties are hereby notified that application has been made for a Department of the Army permit for work in navigable waters of this Engineer District under Section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403) as follows:

Name of Applicant: Fred Devine Diving and Salvage, Inc.  
6211 N. Ensign  
Portland, OR 97217

Character and Purpose of Work: To install four 5-pile dolphins and six single piles along harbor line adjacent to applicants property. The dolphins will be used for mooring vessels and single piles to stabilize approximately 220 linear feet of new access floats.

The above described project is shown on the attached sheet marked 002357 (Willamette River-Piling).

Additional Information: Additional information may be obtained from ~~James H. Devine, Civil Engineer~~, Fred Devine Diving and Salvage Inc., 6211 N. Ensign, Portland, OR 97217.

The requested permit, if issued, will be subject in part to the following conditions:

- aa. All construction debris will be disposed of on land in such a manner that it cannot enter into the waterway.
- bb. All piling and lumber treated with creosote or other protective material will be completely dry before use in or near the waterway.
- cc. Care will be taken to prevent any petroleum products, chemicals or other deleterious materials from entering the water.
- dd. Work in the waterway will be done so as to minimize turbidity increases in the water which tend to degrade water quality and damage aquatic life.





**Special conditions (continued):**

ee. The attachment of any floats, ramps, walkways or other nonmotorized appurtenances not specifically authorized by this instrument (and shown on the drawing attached hereto) or the modification of any authorized features will not be permitted without the prior written approval of the District Engineer.

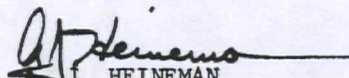
The latest published version of the National Register of Historic Places has been consulted and it has been determined that the property described is not a registered property nor is it listed in the latest published version of the Register as being eligible for inclusion therein. Unknown archeological, scientific, prehistorical or historical data may be lost or destroyed by work to be accomplished under the requested permit.

Additional Requirements: State law requires that leases, easements or permits be obtained for certain works or activity in the described waters. These state requirements must be met where applicable and the Department of the Army permit obtained before any work waterward of the ordinary high water line may be accomplished. Similarly, the governing county, city and/or other local governmental agencies may also have ordinances or requirements which must be satisfied before the work is accomplished.

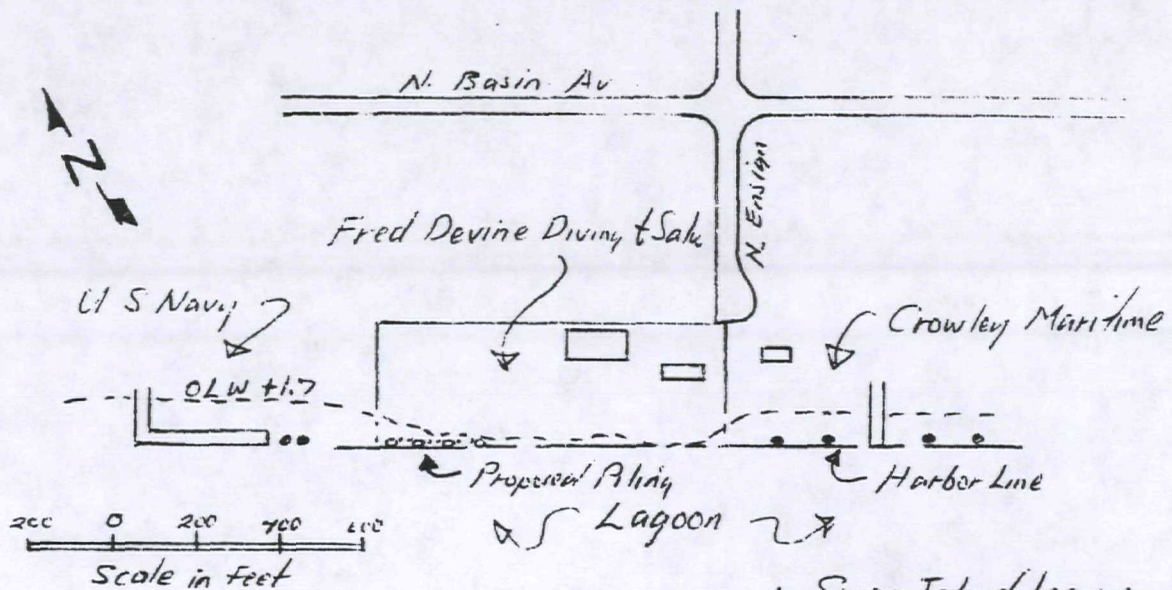
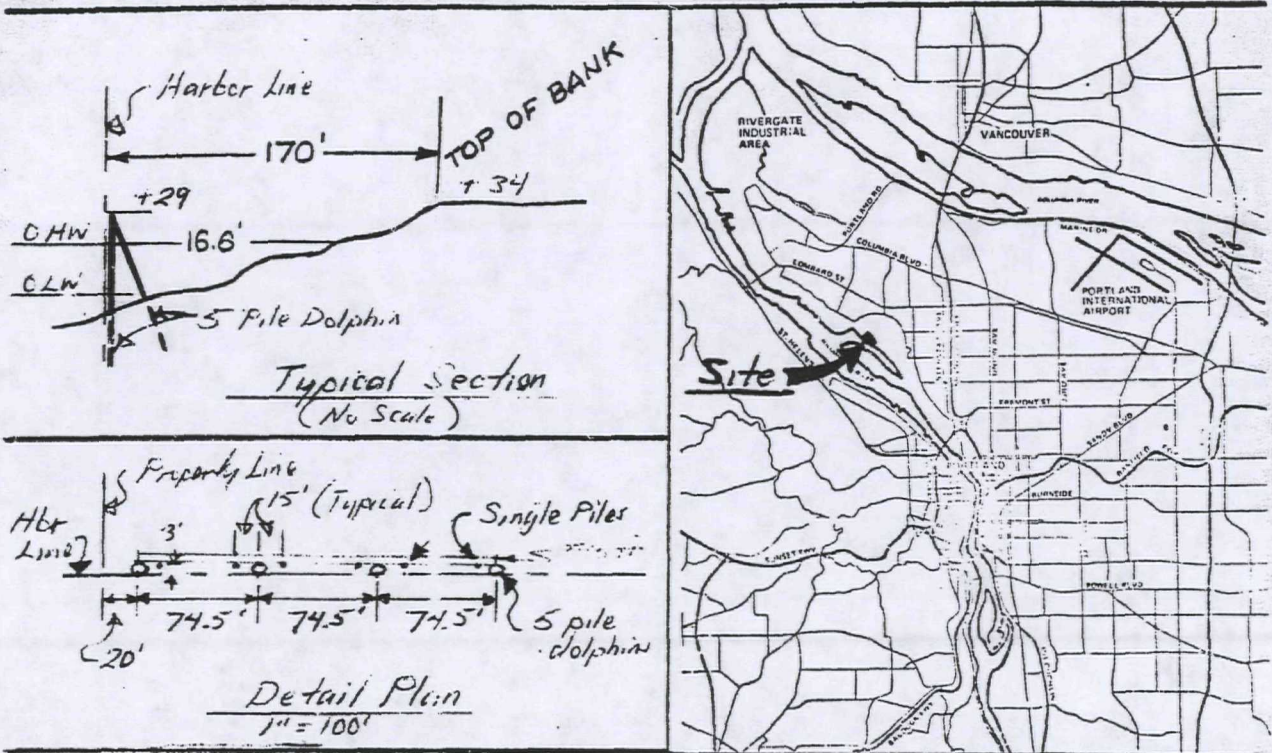
Interested parties are requested to submit in writing any comments or objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality and, in general, the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

A preliminary determination has been made that an environmental impact statement is not currently required for the proposed work.

Replies to this notice should be mailed to reach this office not later than 27 November 1976.

  
R. J. HEINEMAN  
Chief, Navigation Division





Elevations in feet @ M.S.L.

in Swan Island Lagoon  
at Willamette River Mile 8  
County of Multnomah, State of Oregon  
Application by Fred Devine Diving & Salvage Inc.  
20 Sept 1976



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208

REPLY TO  
ATTENTION OF:

NPPND-RF

13 January 1977

Fred Davine Diving and Salvage Inc.  
6211 N. Ensign  
Portland, OR 97217

RE: 071-OYA-1-002357

Gentlemen:

Inclosed are two unsigned copies of your requested permit.

In order to make this permit valid, please read the conditions of the permit carefully, sign both copies, and return both copies in the inclosed, self-addressed, franked envelope.

Your copy of the fully executed permit will then be returned to you.

You are cautioned, however, not to begin work under the terms of this permit until you receive the fully executed document, as such action would be in violation of Federal law.

Sincerely,

Incls.  
a/s

F. R. BROCKSCHINK  
Chief, Regulatory Functions Branch

NPPFL 101B  
NOV 76

LAST REVIEW \_\_\_\_\_

071-OYA-1-002357

PN DATED \_\_\_\_\_

PERMIT PROCESSING CHECK LIST

Application by Fred Devine Diving + Salvage Inc dated \_\_\_\_\_

Type of Activity Piling

Waterway Willamette River Mile 8 State Oregon

Permit Type: New Work X, Repair & Pres. \_\_\_\_\_, Time Ext. \_\_\_\_\_, Other \_\_\_\_\_

Certification Required, OR \_\_\_\_\_, WA \_\_\_\_\_, Both \_\_\_\_\_, (Enter Below)

Approval or Cert.	Conditions	To Applicant	Sub. Approval	Disapprove	
<u>1 Dec 70</u>	_____	_____	_____	_____	1. USDI <u>✓</u>
<u>20 Nov 70</u>	_____	_____	_____	_____	2. NOAA <u>✓</u>
<u>16 Nov 70</u>	_____	_____	_____	_____	3. EPA <u>✓</u>
<u>15 Dec 70</u>	_____	_____	_____	_____	4. OR <u>✓</u>
_____	_____	_____	_____	_____	5. WA _____
_____	_____	_____	_____	_____	6. _____
_____	_____	_____	_____	_____	7. _____
_____	_____	_____	_____	_____	8. _____
_____	_____	_____	_____	_____	9. _____
_____	_____	_____	_____	_____	10. _____

NOTE:



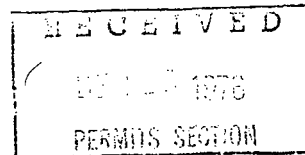
OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM 97310

December 15, 1976

ROBERT W. STRAUB  
GOVERNOR

*copy  
gm*

District Engineer  
Corps of Engineers  
U. S. Army  
Portland District  
P. O. Box 2946  
Portland, OR 97208



Att: A. J. Heineman, Chief  
Navigation Division

Ref: PN 071-OYA-1-002357 (Willamette River - Piling)

Dear Sir:

I approve the project subject to the conditions outlined in the Public Notice. The work should be performed so as not to impair the operation of or cause damage to the City of Portland's existing 60-inch storm sewer which discharges into the lagoon at the north end of North Ensign Street.

On November 30, 1976, the Department of Environmental Quality certified there was reasonable assurance that the project, as described, would not violate applicable water quality standards.

Sincerely,

*Robert W. Straub*  
Governor

RWS:ph

cc: Fred Devine Diving and Salvage, Inc.  
Division of State Lands  
Department of Environmental Quality  
Department of Fish and Wildlife  
U. S. Fish and Wildlife Service

ACTION COPY



DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229- 5358

ROBERT W. STRAUB  
GOVERNOR

Director  
Division of State Lands  
1445 State Street  
Salem, Oregon 97310

11-30-76

SUBJECT: *U.S. C. of E. PN 071-0YA-1-002357*  
*Fred Divine, Inc., Piling, Willamette River*

Dear Sir:

The Oregon Department of Environmental Quality hereby certifies that the above subject project will comply with the applicable provisions of Title 33, United States Code, Sections 1311, 1312, 1316 and 1317 -- i.e., there is reasonable assurance that it will not violate applicable water quality standards.

Sincerely,

LOREN KRAMER  
Director

*Glen D. Carter*  
Glen D. Carter, Supervisor  
Water Quality Program  
Development Section

GDC:elk

cc: U. S. Environmental Protection Agency (Portland)  
Oregon Department of Fish and Wildlife

RECEIVED  
DEC 31 1976  
DIVISION OF STATE LANDS



**TELEPHONE OR VERBAL CONVERSATION RECORD**

For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.

DATE

10 December 1976

**SUBJECT OF CONVERSATION**

071-OYA-1-002357

**INCOMING CALL**

<b>PERSON CALLING</b>	<b>ADDRESS</b>	<b>PHONE NUMBER AND EXTENSION</b>
<b>PERSON CALLED</b>	<b>OFFICE</b>	<b>PHONE NUMBER AND EXTENSION</b>

**OUTGOING CALL**

<b>PERSON CALLING</b>	<b>OFFICE</b>	<b>PHONE NUMBER AND EXTENSION</b>
Simpson	RF-1	Ext. 6995
<b>PERSON CALLED</b>	<b>ADDRESS</b>	<b>PHONE NUMBER AND EXTENSION</b>
Penny Hobbs	OSDL	530-3059

**SUMMARY OF CONVERSATION**

I called Penny to ask if they would OK the above referenced permit ... OSDL is the only agency that hasn't responded. The applicant called today requesting authorization to proceed with his proposal so he won't have to lay off any of his men. Penny said OK and that the governor's letter is on the way with a stipulation that the work shall not have any adverse effect on the City of Portland's 60" sewer outfall located nearby.

  
Coordinator

DA FORM 751  
1 APR 66

REPLACES EDITION OF 1 FEB 58 WHICH WILL BE USED.

☆ GPO: 1970 431-000/1009

NPPND-NP-1

10 December 1976

Fred Devine Diving & Salvage, Inc.  
6211 N. Ensin  
Portland, OR 97217

RE: Public Notice 071-OYA-1-002357

Dear Sir:

In response to your oral request of 9 December 1976, the Corps of Engineers, Portland District would have no objection to commencement of your proposed construction as advertised in the above referenced public notice, dated 27 October 1976, prior to issuance of the formal permit, provided you adhere to the attached conditions which will become a part of the aforementioned permit. All appropriate resource agencies have responded favorably to the proposed project.

The work located at mile 8 of the Willamette River in Portland, Oregon, and detailed on the attached drawing, consists of driving four 5-pile dolphins and six single piles along the harbor line adjacent to your property.

Sincerely,

RF

Incl.  
a/s

  
A. J. HEINEMAN  
Chief, Navigation Division

ND  
JH

RF

Simpson  
6995/my

  
10 Dec 76



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Division of Ecological Services  
Portland Field Office  
727 N.E. 24th Avenue  
Portland, Oregon 97232

Reference: ES

December 1, 1976

Colonel Harvey L. Arnold, District Engineer  
Portland District, Corps of Engineers  
P. O. Box 2946  
Portland, Oregon 97208

*add  
pm*

Dear Colonel Arnold:

The Fish and Wildlife Service has reviewed the project plans advertised by the following public notice. No significant adverse effects on fish and wildlife, their habitats, or human uses thereof are expected to result from the proposed work or activity. Nor do the plans offer any practicable opportunity to restore or improve such resources or uses. Therefore, the Service has no objection from the standpoint of fish and wildlife to the issuance of permits related to this notice, provided the applicant adheres to all conditions and requirements specified by the Oregon Division of State Lands.

Type of Permit: Section 10 of the 1899 Rivers and Harbors Act

Notice No./Date	Applicant Name	Due Date
071-OYA-1-002357 10/27	Fred Devine Diving and Salvage	11/27/76

Other Bureaus of the Department of the Interior, including the National Park Service, do not expect to submit other comment on this notice at this time.

By copy of this letter we are so advising the following agencies:

Environmental Protection Agency, Seattle  
National Marine Fisheries Service, Portland  
Oregon Department of Fish and Wildlife  
Department of Environmental Quality  
Division of State Lands

Sincerely yours,

*for Don H. Rodgers*  
John W. Kincheloe  
Field Supervisor





**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
National Marine Fisheries Service  
Columbia Fisheries Program Office  
811 N.E. Oregon Street  
P.O. Box 4332, Portland, Oregon 97208

*adp  
jpm*

November 26, 1976

District Engineer, Portland District  
Corps of Engineers  
P.O. Box 2946  
Portland, OR 97208

Re: P.N. #071-OYA-1-002357, Fred Devine Diving & Salvage, Inc.

Dear Sir:

We have no objection to the issuance of the above permit provided the applicant (1) complies with Federal and State water quality standards and (2) adheres to all marine and anadromous fish resource requirements of State fish and game agencies.

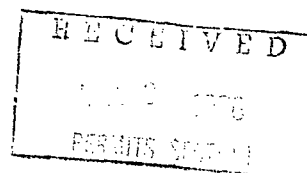
In the event we obtain additional information necessary to protect the fish resources, we will contact you.

Sincerely,

*Donald R. Johnson*

Donald R. Johnson  
Regional Director

cc: Director, Oregon Dept. of Fish & Wildlife  
ES, FWS, Portland Area Office  
EPA





REGION X  
200 SIXTH AVENUE  
SEATTLE, WASHINGTON 98101

REPLY TO  
ATTN OF:

Mail Stop 521

NOV 16 1976

Mr. A. J. Heineman  
Chief, Navigation Division  
Portland District, C/E  
P. O. Box 2946  
Portland, Oregon 97208

*ajh*

Dear Mr. Heineman:

The Environmental Protection Agency, Region X, has no objection to the issuance of the permits for the projects described in the following public notices:

071-OYA-1-002348 - Joseph H. Beelart

4-002353 - City of Gold Hill

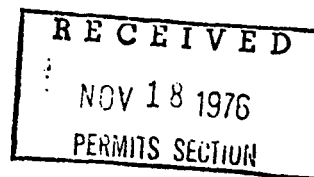
1-002357 - Fred Devine Diving and Salvage, Inc.

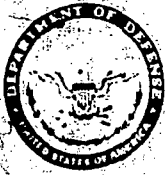
Sincerely,

*Lloyd A. Reed*

Lloyd A. Reed  
Chief, Water Compliance  
and Permits Branch

cc: USFWS  
NMFS  
ODSL





DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208

REPLY TO  
ATTENTION OF:

NPPND-RF-1

PUBLIC NOTICE  
071-OYA-1-002357  
PILING

WILLAMETTE RIVER MILE 8 - IN MULTNOMAH COUNTY AT PORTLAND, OREGON

Interested parties are hereby notified that application has been made for a Department of the Army permit for work in navigable waters of this Engineer District under Section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403) as follows:

Name of Applicant: Fred Devine Diving and Salvage, Inc.  
6211 N. Ensign  
Portland, OR 97217

Character and Purpose of Work: To install four 5-pile dolphins and six single piles along harbor line adjacent to applicants property. The dolphins will be used for mooring vessels and single piles to stabilize approximately 220 linear feet of access floats.

The above described project is shown on the attached sheet marked 002357 (Willamette River-Piling).

Additional Information: Additional information may be obtained from Jack Bechly, Civil Engineer, Fred Devine Diving and Salvage Inc., 6211 N. Ensign, Portland, OR 97217.

The requested permit, if issued, will be subject in part to the following conditions:

aa. All construction debris will be disposed of on land in such a manner that it cannot enter into the waterway.

bb. All piling and lumber treated with creosote or other protective material will be completely dry before use in or near the waterway.

cc. Care will be taken to prevent any petroleum products, chemicals or other deleterious materials from entering the water.

dd. Work in the waterway will be done so as to minimize turbidity increases in the water which tend to degrade water quality and damage aquatic life.

VERIFICATION BY *Mark Lutz*  
ON SITE INSPECTION INDICATES THAT THIS  
DRAWING IS COMPLETE AND CORRECT,  
EXCEPT AS INDICATED IN RED.  
INSPECTOR *Ed Baker* DATE *12/20/76*





Special conditions (continued):

ee. The attachment of any floats, ramps, walkways or other nonmotorized appurtenances not specifically authorized by this instrument (and shown on the drawing attached hereto) or the modification of any authorized features will not be permitted without the prior written approval of the District Engineer.

The latest published version of the National Register of Historic Places has been consulted and it has been determined that the property described is not a registered property nor is it listed in the latest published version of the Register as being eligible for inclusion therein. Unknown archeological, scientific, prehistorical or historical data may be lost or destroyed by work to be accomplished under the requested permit.

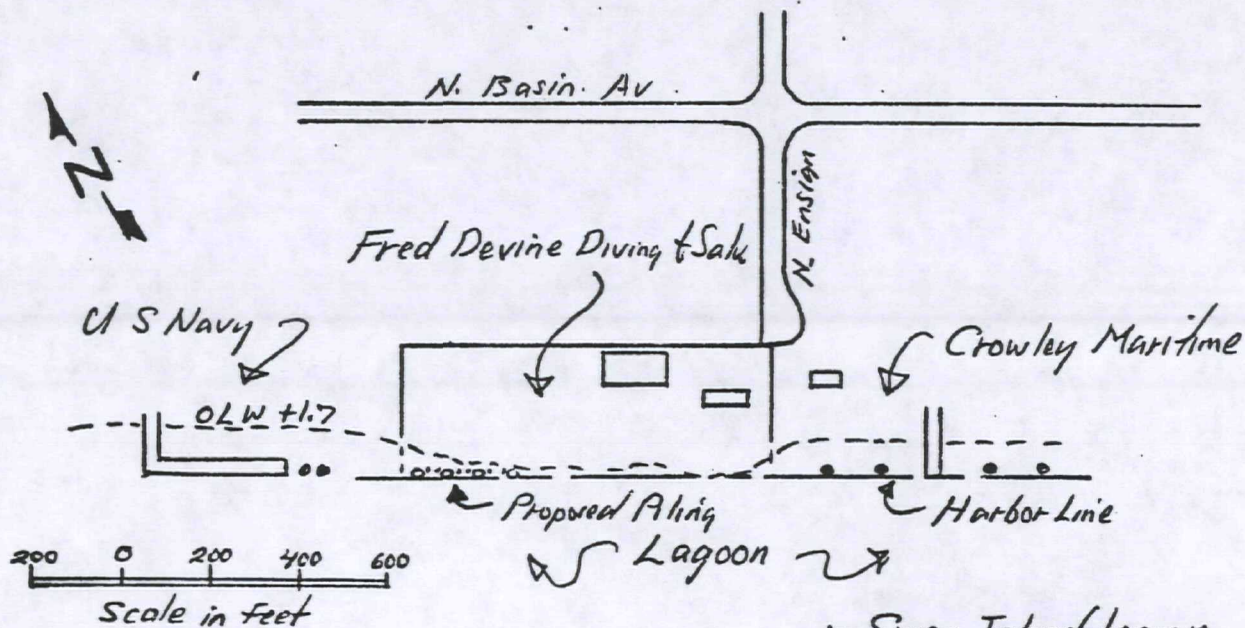
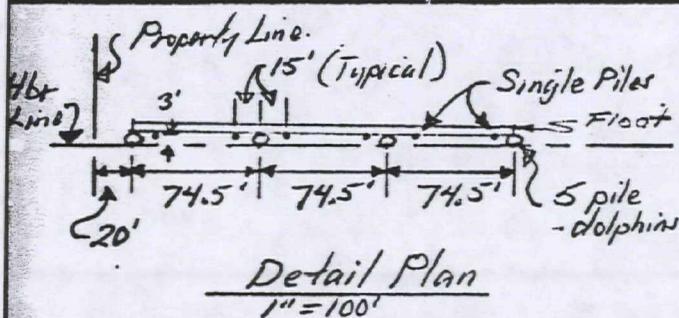
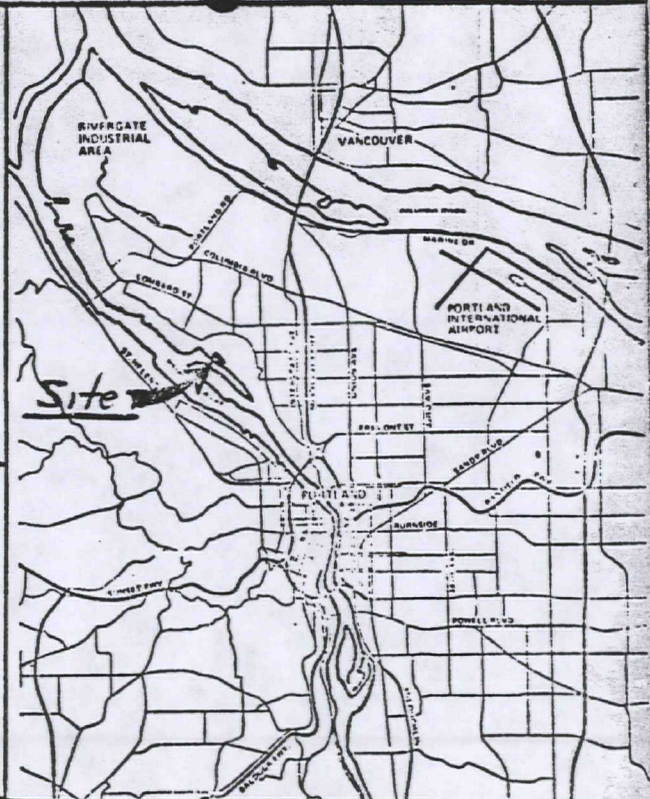
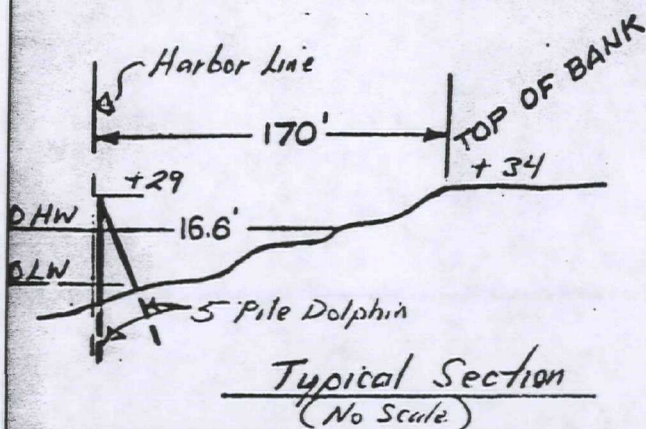
Additional Requirements: State law requires that leases, easements or permits be obtained for certain works or activity in the described waters. These state requirements must be met where applicable and the Department of the Army permit obtained before any work waterward of the ordinary high water line may be accomplished. Similarly, the governing county, city and/or other local governmental agencies may also have ordinances or requirements which must be satisfied before the work is accomplished.

Interested parties are requested to submit in writing any comments or objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality and, in general, the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

A preliminary determination has been made that an environmental impact statement is not currently required for the proposed work.

Replies to this notice should be mailed to reach this office not later than

A. J. HEINEMAN  
Chief, Navigation Division



Elevations in feet @ MSL.

in Swan Island Lagoon  
at Willamette River Mile 8  
County of Multnomah, State of Oregon  
Application by: Fred Devine Diving  
& Salvage, Inc.  
20 Sep 1976



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208

REPLY TO  
ATTENTION OF:

NPPND-RF-1

PUBLIC NOTICE  
071-OYA-1-002357  
PILING

WILLAMETTE RIVER MILE 8 - IN MULTNOMAH COUNTY AT PORTLAND, OREGON

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6211 N. Ensign  
Portland, OR 97217

Character and Purpose of Work: To install four 5-pile dolphins and six single piles along harbor line adjacent to applicants property. The dolphins will be used for mooring vessels and single piles to stabilize approximately 220 linear feet of new access floats.

The above described project is shown on the attached sheet marked 002357 (Willamette River-Piling).

Additional Information: Additional information may be obtained from Jack Bechly, Civil Engineer, Fred Devine Diving and Salvage Inc., 6211 N. Ensign, Portland, OR 97217.

The requested permit, if issued, will be subject in part to the following conditions:

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- bb. All piling and lumber treated with creosote or other protective material will be completely dry before use in or near the waterway.
- cc. Care will be taken to prevent any petroleum products, chemicals or other deleterious materials from entering the water.
- dd. Work in the waterway will be done so as to minimize turbidity increases in the water which tend to degrade water quality and damage aquatic life.





## Special conditions (continued):

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The latest published version of the National Register of Historic Places has been consulted and it has been determined that the property described is not a registered property nor is it listed in the latest published version of the Register as being eligible for inclusion therein. Unknown archeological, scientific, prehistorical or historical data may be lost or destroyed by work to be accomplished under the requested permit.

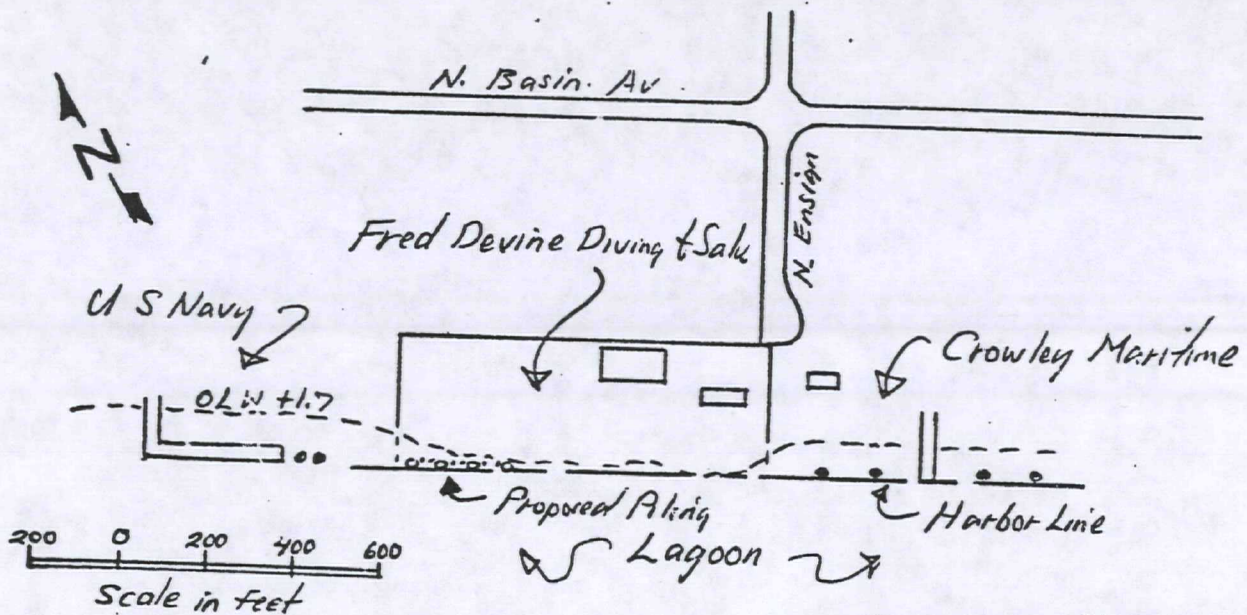
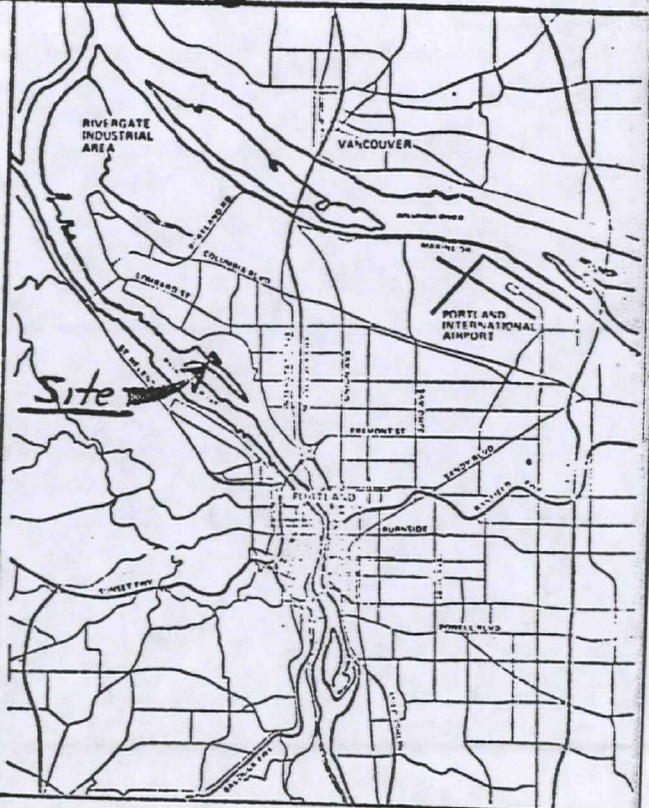
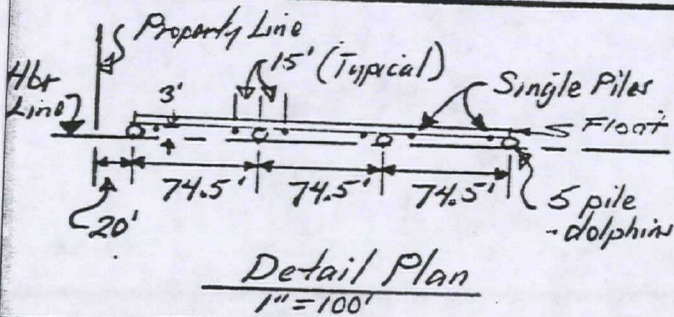
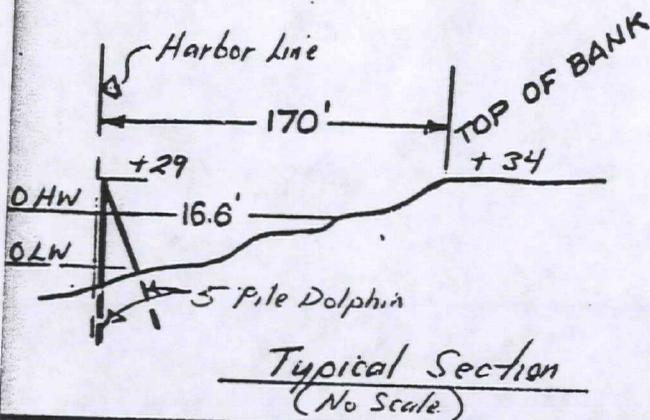
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Replies to this notice should be mailed to reach this office not later than

A. J. HEINEMAN  
Chief, Navigation Division



### SITE PLAN

Elevations in feet @ MSL.

in Swan Island Lagoon  
of Willamette River Mile 8  
County of Multnomah, State of Oregon  
Application by Fred Devine & Salvage, Inc.  
20 Sept 1971



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 3946  
PORTLAND, OREGON 97208

REPLY TO  
ATTENTION OF,

NPPND-RF-1

PUBLIC NOTICE  
071-OYA-1-002357  
PILING

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**Special conditions (continued):**

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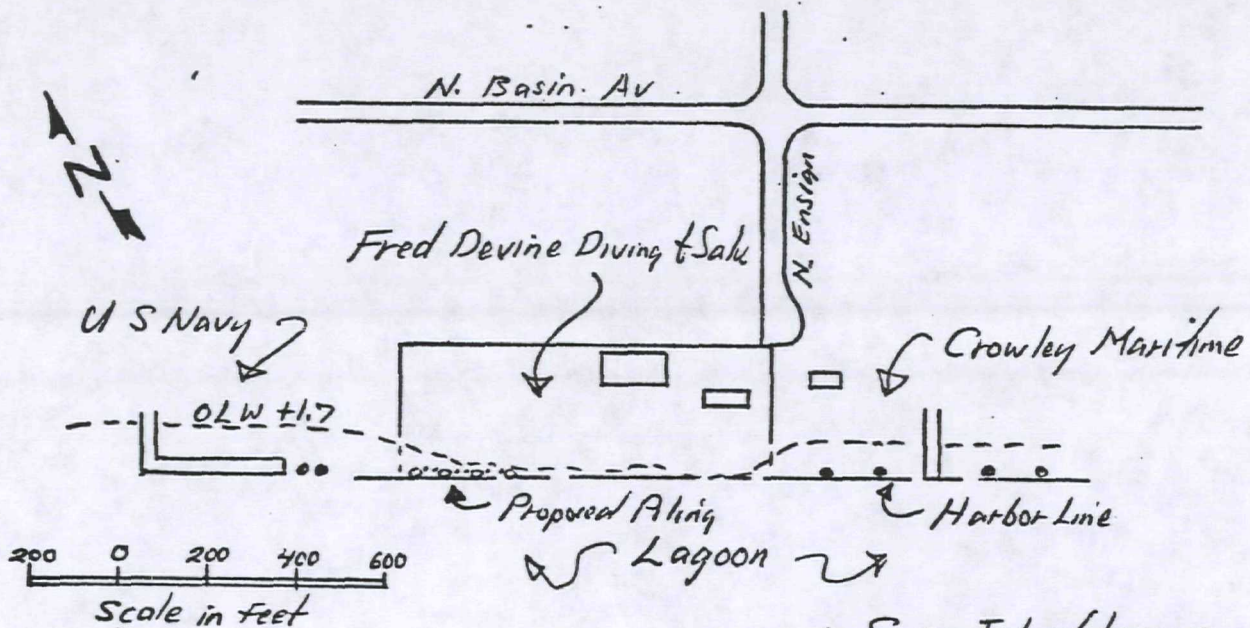
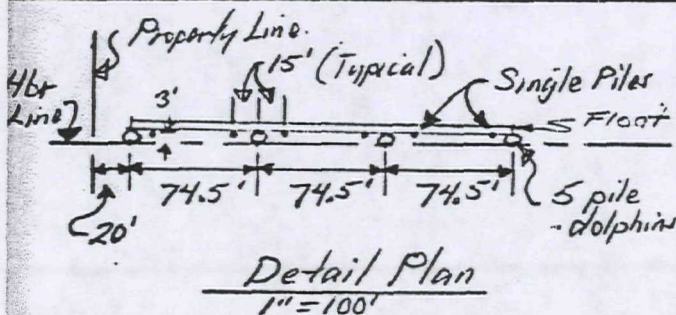
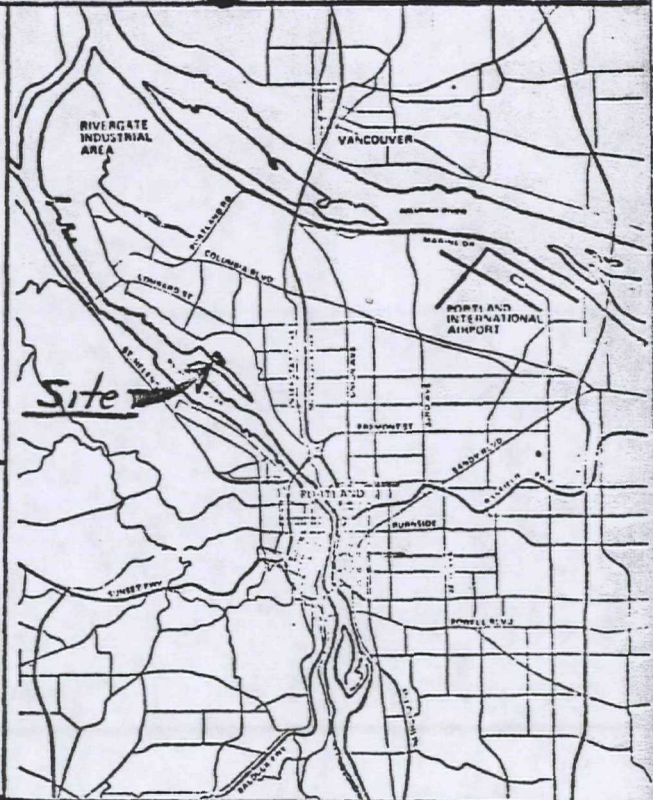
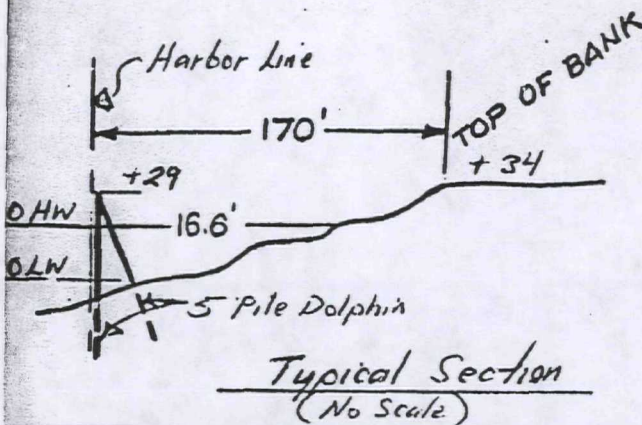
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A. J. HEINEMAN  
Chief, Navigation Division



SITE PLAN

Elevations in feet @ MSL.

in Swan Island Lagoon  
at Willamette River Mile 8  
County of Multnomah, State of Oregon  
Application by: Fred Devine Diving & Salvage, Inc.  
20 Sept 1976

ADDITIONAL MAILING LIST

DATE: \_\_\_\_\_

NO. 002357

CENTRAL FILES  
DISTRICT ENGINEER'S READING FILE  
CHIEF OF ENGINEERS ATTN: DAEN-CWO-N  
NPD OPERATIONS DIVISION  
ENER  
EN-PL  
REAL ESTATE DIVISION  
CHIEF, PROJECT OPERATIONS  
JURIS JURISONS, HYDRO SURVEYS SECTION  
INSPECTOR

OREGON STATE DIVISION OF LANDS (35)

45

*Willamette River - Filing: Multnomah*

*Fred Devine Diving + Salvage, Inc*

*6211 N. Ensign*

*Portland, Oregon 97217*

REORDER ORDERED: \_\_\_\_\_





DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208

REPLY TO  
ATTENTION OF:

NPPND-RF-1

27 October 1976

PUBLIC NOTICE  
071-OYA-1-002357  
PILING

WILLAMETTE RIVER MILE 8 - IN MULTNOMAH COUNTY AT PORTLAND, OREGON

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Portland, OR 97217

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Additional Information: Additional information may be obtained from Jack Bechly, Civil Engineer, Fred Devine Diving and Salvage Inc., 6211 N. Ensign, Portland, OR 97217.

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NPPND-RF-1

RE: 071-OYA-1-002357

**Special conditions (continued):**

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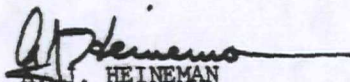
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A preliminary determination has been made that an environmental impact statement is not currently required for the proposed work.

Replies to this notice should be mailed to reach this office not later than 27 November 1976.

  
R. W. HEINEMAN  
Chief, Navigation Division



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208

REPLY TO  
ATTENTION OF:

NPPND-RF-1

20 September 1976

Fred Devine Diving and Salvage, Inc.  
6211 N. Ensign  
Portland, Oregon 97217

RE: Permit Application 071-OYA-1-002357

Gentlemen:

Your application for work on the navigable waters of the Portland District has been received by this office.

Number 071-OYA- **1-002357** has been assigned to your application and this number will follow the application through its processing. If a valid permit is the result of this processing, it will bear this same number. Your application is now being reviewed and in the event additional information is needed, one of our coordinators will contact you. All future correspondence with regard to your application should contain the above assigned number.

If you have any questions, please feel free to contact **Jerry Simpson** Coordinator, Permit Processing Section, at the above address or call ~~(503) 221-6995~~ **221-6995**.

Sincerely,

F. R. BROCKSCHINK  
Chief, Regulatory Functions Branch



# APPLICATION FOR A DEPARTMENT OF THE ARMY PERMIT

One set of original drawings and two copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and checklist).

1. Application number (To be assigned by Corps).

071-07A-1-002357

2. Date.

20 Sept. 1976  
Day Mo. Yr.

3. For official use only.

4. Name and address of applicant.

Fred Devine Diving and Salvage, Inc.  
6211 N. Ensign  
Portland, Oregon 97217

Telephone number 283-5285

Social Security No. \_\_\_\_\_

5. Name, address, and title of applicant's authorized agent for permit application coordination.

Jack Bechly, Civil Engineer  
6211 N. Ensign  
Portland, Oregon 97217

Telephone Number 283-5285

6. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

Install four 5-pile dolphins and six single piles along harbor line adjacent to Fred Devine Diving and Salvage Installation, piling will be untreated Class "A". Dolphins will be used for mooring of vessels. Single piles will be used to stabilize floats.

7. Proposed use.

Private ☒ Public ☐ Commercial ☐ Other ☐ (Explain in remarks)

8. Name and addresses of adjoining property owners whose property also adjoins the waterway.

1. U.S. Navy
2. Crowley Maritime, Inc.

9. Location where proposed activity exists or will occur.

Sec. \_\_\_\_\_ Twp \_\_\_\_\_ Rge \_\_\_\_\_ (Where applicable)  
Oregon Multnomah Portland  
State County In - City or Town Near - City or Town

10. Name of waterway at location of the activity. Willamette River mile .8 (Swan Island Lagoon)

11. Date activity is proposed to commence. 15 November 1976  
Date activity is expected to be completed. 10 Days after completion

12. Is any portion of the activity for which authorization is sought now complete? Yes ☐ No ☒  
If answer is "Yes" give reasons in the remarks section. Month and year the activity was completed \_\_\_\_\_. Indicate the existing work on the drawings.

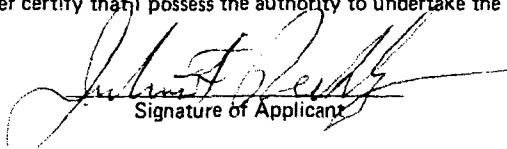
13. List all approvals or certifications required by other Federal, interstate, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application.

Issuing Agency	Type Approval	Identification No.	Date of Application	Date of Approval
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14. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes ☐ No ☒ (If "Yes" explain in remarks)

15. Remarks (see paragraph 3 of Permits Pamphlet for additional information required for certain activities).

16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

  
Signature of Applicant

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

The application must be signed by the person who desires to undertake the proposed activity; however, the application may be signed by a duly authorized agent if accompanied by a statement by that person designating the agent and agreeing to furnish upon request, supplemental information in support of the application.

If the activity includes the discharge of dredged or fill material in navigable waters or the transportation of dredged material for the purpose of dumping it in ocean waters, the application must be accompanied by a fee of \$100 for quantities exceeding 2500 cubic yards and \$10 for quantities of 2500 cubic yards or less. Federal, State and local governments are excluded from this requirement.



# APPLICATION FOR A DEPARTMENT OF THE ARMY PERMIT

One set of original drawings and two copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and checklist).

1. Application number (To be assigned by Corps).

2. Date.

3. For official use only.

20 Sept 76  
Day Mo. Yr.

4. Name and address of applicant.

Fred Devine Diving & Salvage, Inc.  
6211 N Ensign  
Portland, Oregon 97217

Telephone number 283 5285

5. Name, address, and title of applicant's authorized agent for permit application coordination.

Jack Beckly, Civil Engr.  
(same address)

Telephone Number 283 5285

6. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

Install four 5-pile dolphins and six single piles along harbor line adjacent to Fred Devine Diving & Salvage Installation. Piling will be untreated Charred. Dolphins will be used for mooring of vessels. Single piles will be used to stabilize floor.

7. Proposed use.

Private ☒

Public ☐

Commercial ☐

Other ☐

(Explain in remarks)

8. Name and addresses of adjoining property owners whose property also adjoins the waterway.

1. U.S. Navy

2. Crowley Maritime, Inc.

9. Location where proposed activity exists or will occur.

Sec. \_\_\_\_\_ Twp. \_\_\_\_\_ Rge. \_\_\_\_\_ (Where applicable)

Oregon Multnomah Portland  
State County In - City or Town Near - City or Town

10. Name of waterway at location of the activity.

Willamette River (Swan Island Leg)

11. Date activity is proposed to commence. 15 Nov 1976

Date activity is expected to be completed. 10 days after completion

12. Is any portion of the activity for which authorization is sought now complete? Yes ☐ No ☒  
If answer is "Yes" give reasons in the remarks section. Month and year the activity was completed \_\_\_\_\_ . Indicate the existing work on the drawings.

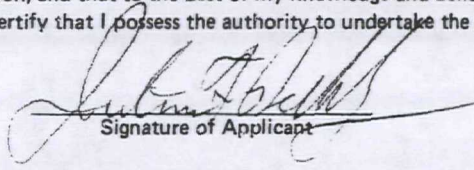
13. List all approvals or certifications required by other Federal, interstate, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application.

Issuing Agency	Type Approval	Identification No.	Date of Application	Date of Approval
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14. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes ☐ No ☒ (If "Yes" explain in remarks)

15. Remarks (see paragraph 3 of Permits Pamphlet for additional information required for certain activities).

16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

  
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